

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Jun 12, 2014

Action Requested By: Water Pollution Control

Agenda Type: Resolution

**Subject Matter:**

Modification No. 2 to Agreement with LTS Construction, L.L.C.

**Exact Wording for the Agenda:**

Resolution authorizing the Mayor to modify the agreement with LTS Construction, L.L.C. for Periodic Bid for Emergency Pipe Bursting, Project No. 65-12-SP26, by Modification No. 2

12-553 & 13-465

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Contract modification to renew the agreement between the City of Huntsville and LTS Construction, LLC for Periodic Bid For Emergency Pipe Bursting approved by Resolution No. 12-553 for an additional one (1) year period at the original NTE amount. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: \_\_\_\_\_

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: \_\_\_\_\_

10  
pk  
Department Head: Shirley Cal

Date: 6-2-14

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Water Pollution Control** Council Meeting Date: **6/12/2014**

Department Contact: **Shane Cook**

Phone # **256-883-3719**

Contract or Agreement: **Modification No. 2**

Document Name: **LTS Const-Periodic Bid Emer. Pipe Bursting 65-12-SP26**

City Obligation Amount: **\$1,999,750.00**

Total Project Budget: **\$1,999,750.00**

Uncommitted Account Balance: **0**

Account Number: **Account Nos. to be Assigned**

## Procurement Agreements

<b><u>Title 39</u></b>	<b><u>Competitive</u></b>
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## Grant-Funded Agreements

<b><u>Not</u> <u>Applicable</u></b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating	<i>Shane Cook</i>	<i>6-2-14</i>
2) Legal	<i>Mary C. Carter</i>	<i>6-4-14</i>
3) Finance	<i>[Signature]</i>	<i>6/6/14</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

**RESOLUTION NO. 14-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into Modification No. 2 to the Agreement with LTS Construction, L.L.C., adopted and approved on the 28th day of June, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-553, and amended on the 13th day of June, 2013, by Resolution No. 13-465, as attached hereto.

**BE IT FURTHER RESOLVED** that the periodic contract is extended for an additional one (1) year period with services provided on an as-needed basis with up to the Not-to-Exceed (NTE) Amount of ONE MILLION NINE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$1,999,750.00). New contract expiration date: June 28, 2015. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and LTS Construction, L.L.C. for Periodic Bid for Emergency Pipe Bursting, Project No. 65-12-SP26, as adopted by Resolution No. 12-553 of June 28, 2012, and amended by Resolution No. 13-465 of June 13, 2013" consisting of a total of three (3) pages plus seven (7) additional pages including Exhibit "A" and the date of June 12, 2014, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

**ADOPTED** this the 12th day of June, 2014.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 12th day of June, 2014.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA        )

COUNTY OF MADISON        )

Modification No. 2 to Agreement between  
the City of Huntsville and LTS  
Construction, L.L.C. for Periodic Bid for  
Emergency Pipe Bursting, Project No. 65-  
12-SP26, as adopted by Resolution No. 12-  
553 of June 28, 2012, and amended by  
Resolution No. 13-465 of June 13, 2013

**THIS IS MODIFICATION NO. 2 TO AN AGREEMENT** entered in on the 28th day of June, 2012, in the amount of ONE MILLION NINE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$1,999,750.00), and amended on the 13th day of June, 2013, for an additional one (1) year. The original Agreement is hereby amended by Modification No. 2 dated June 12, 2014, for the renewal of an additional one (1) year period, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and LTS CONSTRUCTION, L.L.C., (CONTRACTOR).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONTRACTOR to the Agreement dated June 28, 2012, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract for an additional one (1) year period at the same NTE amount as the initial year of ONE MILLION NINE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$1,999,750.00) per Paragraphs 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 12-553 of June 28, 2012.

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the CONTRACTOR agree to the following modifications to the agreement:

1. LTS Construction, L.L.C. will provide for renewal of contract for an additional one (1) year with services provided on an as-needed basis with up to the Not-to-Exceed (NTE) Amount of ONE MILLION NINE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$1,999,750.00).
2. Item #1 shall be performed in accordance with the original agreement dated June 28, 2012, and approved by the City Council by Resolution No. 12-553.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL

Date: June 12, 2014

3. All unit price billing rates for contract line items shall remain the same except those specifically approved as increased in Exhibit "A", attached hereto and incorporated by reference herein, for Item #2 Pipe Bursting 6"-8" a revised unit price of \$41.14 per LF and Item #3 Pipe Bursting 8"-8" a revised unit price of \$40.64 per LF. All other unit price billing rates remain unchanged.
4. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
5. All other terms and conditions remain unchanged.

**IN WITNESS WHEREOF**, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle  
Its Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Hagood  
City Clerk-Treasurer

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

ENGINEER: LTS CONSTRUCTION,  
L.L.C.

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Terry Smith as Chief Manager, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



Shane Cook, P.E.  
Director

# HUNTSVILLE

## Water Pollution Control

May 23, 2014

LTS Construction, L.L.C.  
104 Kenmore Avenue  
Winchester, TN 37398

ATTN: Terry Smith

**RE: Periodic Bid for Emergency Pipe Bursting  
Project No. 65-12-SP26**

Dear Terry:

We are pleased to extend your contract in the above-referenced project for an additional one-year period, with the approved price increases for Item #2 and Item #3 (letter attached with vendor verifications), beginning June 28, 2014, through June 28, 2015. Please acknowledge acceptance of same by your signature in the space provided at the end of this letter and return the letter to me with a copy to Penny Kelly, Engineering Contracts Coordinator in the Engineering Department.

As always, we look forward to working with you and appreciate the good work you do for the City of Huntsville.

Sincerely,

Shane Cook

Director of Water Pollution Control

ACCEPTED BY:

LTS Construction, LLC

SIGNATURE:

Terry J. Smith

DATE:

5-28-14

The Star of Alabama



# LTS CONSTRUCTION, LLC

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May 22, 2014

Mr. Shane Cook  
Director of Water Pollution Control  
City of Huntsville  
PO Box 308  
Huntsville, AL 35804-0308

RE: Periodic for Emergency Pipe Bursting  
Project No. 65-12-SP26

Dear Mr. Cook:

It has been a pleasure working for you and your staff on the above-referenced project for the past two years. We look forward to the possibility of continuing this project for another one (1) year period beginning June 28, 2014, through June 28, 2015.

Based on current market prices of pipe and fuel, we are asking for your consideration of an increase of \$1.14 per foot on the following items.

Item #2 Pipe Bursting 6"-8" current price \$40.00 per lf increase to \$41.14 per lf  
Item #3 Pipe Bursting 8"-8" current price \$39.50 per lf increase to \$40.64 per lf

Pricing will remain the same for the items not listed in the price increases listed above.

Enclosed are copies of invoices from July of 2012 for pipe and fuel prices as well as an invoice from March 28, 2014 for pipe prices and April 2014 for fuel prices. These invoices have been verified by the suppliers listed. Please let me know if you have any questions or need any additional information.

We appreciate the opportunity to work with you and we look forward to serving the City of Huntsville for another year.

Thank you,

**LTS CONSTRUCTION, LLC**



Lisa Smith  
Business Manager

*Underground Utility Construction*  
Pipe Bursting \* Directional Drilling  
Gas \* Water \* Sewer

P.O. Box 39  
Huntland, TN 37345  
104 Kenmore Ave.  
Winchester, TN 37398

Business (931) 968-9303  
Fax (931) 968-9305  
E-MAIL LSMITH@MINDSPRING.COM  
WEB SITE www.LTSCONSTRUCTION.COM





FRANKLIN FARMERS COOPERATIVE  
2229 DECHERD BLVD.  
DECHERD, TN 37324-3827  
PHONE: (931) 967-5511

To Whom It May Concern:

Franklin Farmer's Coop of Decherd, TN. verifies the prices listed on the statement of LTS Construction, LLC dated July 31 2012 and April 30, 2014 is correct.

A handwritten signature in black ink, appearing to read "Doug Swann", written over a horizontal line.

Doug Swann  
General Manager  
Franklin Farmers Cooperative  
931-967-5511  
931-224-5283



Franklin Farmers Coop  
2229 Decherd Blvd  
Decherd, TN 37324  
931-967-5511

H/2  
TTS

## STATEMENT

Page 1 of 3, 07/31/12  
Patron: 121320

2012

LTS Construction  
P O Box 39  
Huntland, TN 37345-0039

RECEIVED AUG - 2 2012

Invoice No.	Date	Due	Description	Quantity	Unit Price	Extended Amount	Amount
2572320-11	07/07/12	08/31/12	Bulk Delvd Construction Fuel	529.0000	3.06	1,618.74	
			PO #: 13271, By: DO NOT LET JOE ROMO CHARGE!!!!			113.31	1,732.05
G2305136	07/16/12	08/31/12	Diesel (Over Road--Ultra low Sulfur)	26.5240	3.469	92.01	92.01
			Card #: 3025 Veh #: 000000 Mile: 0				

2014

Franklin Farmers Coop  
2229 Decherd Blvd  
Decherd, TN 37324  
931-967-5511

## STATEMENT

Page 2 of 4, 04/30/14  
Patron: 121320

Date	Due	Description	Quantity	Unit Price	Extended Amount	Amount
282-21	04/09/14	05/31/14 Diesel (Over Road--Ultra low Sulfur)	79.1129	3.799	300.55	
		By: DO NOT LET JOE ROMO CHARGE!!!!	Total			300.55
2848326-11	04/10/14	05/31/14 Bulk Dyed Diesel	374.8000	3.47	1,300.56	
		By: DO NOT LET JOE ROMO CHARGE!!!!	Tax, Total		91.04	1,391.60
		bulk fuel delivery 34480 4.9.14				

**CORPORATE HQ**

ISCO Industries, Inc.  
926 Baxter Avenue  
Box 4545  
Louisville, Kentucky 40204  
Tel. 800.345.4726  
Fax 800.831.4726  
www.isco-pipe.com

Exhibit A - Pg 5 of 7 - 06/12/14

May 22, 2014

To Whom It May Concern:

ISCO Industries verifies the pricing as listed on Invoice# 27017541 dated July 11, 2012 to LTS Construction, LLC.

Please let me know if you have any additional questions.



Greg Mason

Southeast Regional Manager

205-540-0474

Greg.mason@isco-pipe.com



**Coming through.**



121 Jetplex Circle  
Madison, AL 35758

t 256.772.0252  
f 256.772.7954

May 22, 2014

To Whom It May Concern:

HD Supply Waterworks verifies the pricing as listed on Invoice  
C168914 dated March 28, 2014 to LTS Construction, LLC.

Please let me know if you have any additional questions.

Thank you,

A handwritten signature in black ink that reads "Janice Jordan". The signature is fluid and cursive, with the first name "Janice" and last name "Jordan" clearly distinguishable.

Janice Jordan

Office Manager

*Local Service, Nationwide*

526 Baxter Avenue • Box 4545  
Louisville, Kentucky 40204  
Tel: 800-345-4726 • Fax: 800-831-4726  
www.isco-pipe.com

REMITTANCE  
ADDRESS:  
ISCO Industries  
1974 Solutions Center  
Chicago, IL 60677-1009



Coming through.

INVOICE DATE 07/11/12  
PAYMENT TERMS NET 30  
PAGE 1 OF 1

Polyethylene Pipe & Fittings • HDPE Fabrication • Culvert Liners • HDPE Fusion Equipment

BILL TO  
101751  
LTS CONSTRUCTION  
PO BOX 39  
HUNT LAND, TN 37345

SHIP TO  
LTS CONSTRUCTION  
TERRY SMITH (931)703-7761 (931)  
C/O ISCO INDUSTRIES, LLC  
3435 STANWOOD BLVD N.E.  
HUNTSVILLE, AL 35811

ORDER NUMBER 27017541	ORDER DATE 07/09/12	SHIP VIA MISC. SHIPPER	CUSTOMER P/O NUMBER VERBAL TERRY
WRITTEN BY DONNIE K, Ext 6696	SHIP DATE 07/10/12	TRACKING # NOVEL LOGISTICS	JOB NUMBER
SALES REP BAUCH-SNEED	FREIGHT TERMS PREPAID AND ALLOW	ORDERED BY	

PRODUCT/DESCRIPTION	QUANTITY OPEN	QUANTITY SHIPPED	QUANTITY BACKORDERED	PRICE	U/M	EXTENSION
10081721 8" DR 17 IPS PIPE, HDPE 3408/3608 GRAY	2200	2200	0	5.39 FT		11,858.00

## INVOICE

BRANCH ADDRESS  
HUNTSVILLE AL  
Branch - 566  
121 Jetplex Circle  
Madison AL 35758 8989  
256/772-0252

INVOICE #	C168914
INVOICE DATE	3/23/14
ACCOUNT #	140468
SALESPERSON	EMORY T GIBSON
BRANCH #	566

Total Amount Due \$25,828.00

Remit To:  
HD SUPPLY WATERWORKS, LTD.  
PO BOX 100467  
ATLANTA, GA 30384-0467

3937 1 MB 0.435 E0053X 10055 0922304918 P1885387 0001:0001



LTS CONSTRUCTION LLC  
PO BOX 39  
HUNT LAND TN 37345-0039

Shipped to:

HUNTSVILLE SEWER REHAB  
VARIOUS LOCATIONS  
HUNTSVILLE, AL

CUSTOMER JOB- JOB#900 HSV SEWER REHAB

Return Top Portion With Payment For Faster Credit

Thank You For The Opportunity To Serve You.  
We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO No.	Job Name	Job No.	Bill of Lading	Shipped Via	Order Number
3/19/14	3/25/14	TERRY SMITH	HSV SEWER REHAB	JOB#900		DIRECT	C168914
Product Code	Description	Quantity Ordered	Quantity Shipped	Back- Ordered	Price	Per	Amount
0941P0817GREY	HD SUPPLY WATERWORKS PO#- 6449262 8" SDR17 IPS GREY HDPE PIPE BID SEQ# 40	1120	1120		6.1500	FT	6,888.00